

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN SENATE JANUARY 19, 2006

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 369**

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**Introduced by Senator Simitian  
(Coauthor: Senator Alquist)**

February 17, 2005

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An act to amend Sections 42872.5, 42873, and 42885.5 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 369, as amended, Simitian. Solid waste: tire recycling: rubberized asphalt concrete.

(1) Existing law authorizes the California Integrated Waste Management Board to implement a program to award grants of up to \$50,000 to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete *and meet specified qualifications, including that the project will use between 2,500 and 20,000 tons of rubberized asphalt concrete and 20 pounds or more of crumb rubber per ton of*

*rubberized asphalt concrete*. The grants are funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund. Existing law became inoperative on June 30, 2006, and is repealed on January 1, 2007.

This bill would revise the eligibility qualifications for those public works grants, to *instead* require the project to use at least 1,250 tons of rubberized asphalt concrete. The bill would require the board to annually calculate the amount of a grant, based on the amount of rubberized asphalt concrete used on a project, and would increase the maximum amount of grant money that can be awarded to \$250,000. This bill would recommence the grant program on January 1, 2007, and would make the program inoperative on June 30, 2010. The bill would extend the repeal date to January 1, 2011.

(2) Existing law authorizes funding for certain activities that reduce, or are designed to reduce or promote the reduction of, the landfill disposal of used whole tires.

This bill would revise and increase the types of activities eligible for funding to delete the use of used tires for artificial reefs and to include rubberized asphalt, as specified, and tire-derived aggregate applications, as specified.

(3) Existing law requires the Integrated Waste Management Board to submit a 5-year plan to the appropriate policy and fiscal committees of the Legislature that includes, until June 30, 2006, a description of the effectiveness of the grant program to encourage the use of rubberized asphalt concrete technology in public works projects.

This bill would extend the requirement for the inclusion of that description until June 30, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 42872.5 of the Public Resources Code
- 2 is amended to read:
- 3 42872.5. (a) (1) In addition to the purposes listed in Section
- 4 42872, the tire recycling program may include the awarding of
- 5 grants to cities, counties, and other local government agencies for
- 6 the funding of public works projects that use rubberized asphalt
- 7 concrete. In addition to the factors listed in Sections 42874 and
- 8 42875, the board may award a grant for a public works project

1 that uses rubberized asphalt concrete if the project will use at  
2 least 1,250 tons of rubberized asphalt concrete during the life of  
3 the project and ~~the material will meet the American Society for~~  
4 ~~Testing and Materials (ASTM) D 6114-97, “Standard~~  
5 ~~Specification for Asphalt-Rubber Binder.”~~ *will use 20 pounds or*  
6 *more of crumb rubber per ton of rubberized asphalt concrete.*

7 (2) The board shall annually determine the amount of a grant  
8 to be awarded pursuant to this section, based on the per ton  
9 amount of rubberized asphalt concrete to be used in the project.

10 (3) The board shall not award a grant pursuant to this section  
11 that exceeds a maximum amount of two hundred fifty thousand  
12 dollars (\$250,000).

13 (b) The grants authorized under this section shall be funded by  
14 an appropriation in the annual Budget Act from the California  
15 Tire Recycling Management Fund established pursuant to  
16 Section 42885. To the extent possible, depending on the number  
17 of qualified applications, and whether there is a sufficient supply  
18 of crumb rubber materials, any funds appropriated pursuant to  
19 this section shall not be less than ~~of~~ 16 percent of the funds  
20 appropriated pursuant to this chapter for market development and  
21 new technology activities for used tires and waste tires.

22 (c) In order to provide outreach to local agencies regarding the  
23 use of rubberized asphalt concrete in public works projects, all of  
24 the following shall occur:

25 (1) The board shall create, annually update, and post on its  
26 Internet Web site a database of public works projects that include  
27 rubberized asphalt concrete that were completed by local  
28 agencies under the program established by this section.

29 (2) The Department of Transportation shall post on its public  
30 Internet Web site data and descriptions regarding state public  
31 works projects using rubberized asphalt concrete.

32 (3) The board shall post on its public Internet Web site a link  
33 to the data and descriptions provided under paragraph (2).

34 (4) The board shall provide technical support to local agencies  
35 on the design and application for rubberized asphalt concrete.

36 (d) This section shall become inoperative on June 30, 2010,  
37 and, as of January 1, 2011, is repealed, unless a later enacted  
38 statute, that becomes operative on or before January 1, 2011,  
39 deletes or extends the dates on which it becomes inoperative and  
40 is repealed.

1 SEC. 2. Section 42873 of the Public Resources Code is  
2 amended to read:

3 42873. (a) Activities eligible for funding under this article,  
4 that reduce, or that are designed to reduce or promote the  
5 reduction of, landfill disposal of used whole tires, may include  
6 the following:

- 7 (1) Polymer treatment.
- 8 (2) Rubber reclaiming and crumb rubber production.
- 9 (3) Retreading.
- 10 (4) Shredding.
- 11 (5) The manufacture of products made from used tires,  
12 including, but not limited to, all of the following:
  - 13 (A) Rubberized asphalt, asphalt rubber, modified binders, and  
14 chip seals.
  - 15 (B) Playground equipment.
  - 16 (C) Crash barriers.
  - 17 (D) Erosion control materials.
  - 18 (E) Nonslip floor and track surfacing.
  - 19 (F) Oilspill recovery equipment.
  - 20 (G) Roofing adhesives.
  - 21 (H) Tire-derived aggregate applications, including lightweight  
22 fill and vibration mitigation.
- 23 (6) Other environmentally safe applications or treatments  
24 determined to be appropriate by the board.

25 (b) (1) The board may not expend funds for an activity that  
26 provides support or research for the incineration of tires. For the  
27 purposes of this article, incineration of tires, includes, but is not  
28 limited to, fuel feed system development, fuel sizing analysis,  
29 and capacity and production optimization.

30 (2) Paragraph (1) does not affect the permitting or regulation  
31 of facilities that engage in the incineration of tires.

32 SEC. 3. Section 42885.5 of the Public Resources Code is  
33 amended to read:

34 42885.5. (a) The board shall adopt a five-year plan, which  
35 shall be updated every two years, to establish goals and priorities  
36 for the waste tire program and each program element.

37 (b) On or before July 1, 2001, and every two years thereafter,  
38 the board shall submit the adopted five-year plan to the  
39 appropriate policy and fiscal committees of the Legislature. The  
40 board shall include in the plan, programmatic and fiscal issues

1 including, but not limited to, the hierarchy used by the board to  
2 maximize productive uses of waste and used tires, and the  
3 performance objectives and measurement criteria used by the  
4 board to evaluate the success of its waste and used tire recycling  
5 program. Additionally, the plan shall describe each program  
6 element's effectiveness, based upon performance measures  
7 developed by the board, including, but not limited to, the  
8 following:

9 (1) Enforcement and regulations relating to the storage of  
10 waste and used tires.

11 (2) Cleanup, abatement, or other remedial action related to  
12 waste tire stockpiles throughout the state.

13 (3) Research directed at promoting and developing alternatives  
14 to the landfill disposal of waste tires.

15 (4) Market development and new technology activities for  
16 used tires and waste tires.

17 (5) The waste and used tire hauler program and manifest  
18 system.

19 (6) A description of the grants, loans, contracts, and other  
20 expenditures proposed to be made by the board under the tire  
21 recycling program.

22 (7) Until June 30, 2010, the grant program authorized under  
23 Section 42872.5 to encourage the use of rubberized asphalt  
24 concrete technology in public works projects.

25 (8) Border region activities, conducted in coordination with  
26 the California Environmental Protection Agency, including, but  
27 not limited to, all of the following:

28 (A) Training programs to assist Mexican waste and used tire  
29 haulers to meet the requirements for hauling those tires in  
30 California.

31 (B) Environmental education training.

32 (C) Development of a waste tire abatement plan, with the  
33 appropriate government entities of California and Mexico.

34 (D) Tracking both the legal and illegal waste and used tire  
35 flow across the border and recommended revisions to the waste  
36 tire policies of California and Mexico.

37 (E) Coordination with businesses operating in the border  
38 region and with Mexico, with regard to applying the same  
39 environmental and control requirements throughout the border  
40 region.

- 1 (c) The board shall base the budget for the California Tire
- 2 Recycling Act and program funding on the plan.
- 3 (d) The plan may not propose financial or other support that
- 4 promotes, or provides for research for the incineration of tires.

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